

FEATURES OF THE SOURCES OF EUROPEAN UNION LAW AND THEIR IMPORTANCE DURING LABOR LEGISLATION OF UKRAINE WITH EUROPEAN LABOR STANDARDS

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European integration course of Ukraine's development is the leading vector in the Ukrainian present. It determines systemic transformation and reformation of all socially important areas of our country. These systemic changes should not occur randomly, but within a legal framework and the legal support of European integration course policy of Ukraine. One of the most important components of the modernization of the legal principles of efficient Ukraine's European integration implementation is the approximation of the Ukrainian laws to the European Union laws (hereinafter - EU), which involves the process of Ukrainian laws and other regulations alignment with the EU law or *acquis communautaire*.

According to the Law of Ukraine "On State Program Adaptation of Ukraine to the European Union" from 18 March 2004 r. Number 1629-IV priority component of the integration process Ukraine to the European Union is the adaptation of Ukraine's EU legislation. In turn - a decisive direction Ukrainian foreign policy[1].

This program covers the main aspects of the legislation adaptation process: the implementation stages and the objectives of the first stage of the program, sequence of the adaptation process, institutional mechanisms and powers of the Verkhovna Rada of Ukraine and the Cabinet of Ministers of Ukraine. Annual action plans are developed to implement it. As of today, seven such plans have been approved. They include a list of measures, mainly on the development of draft laws (specifying the relevant EU regula-

tions and responsible executive bodies) and support of their adoption by the Verkhovna Rada of Ukraine[1].

These main results of approximation under the National Program on Approximation of the Ukrainian Laws to the EU laws were evaluated quite positively by the Coordinating Council of Ukraine for Approximation of the Ukrainian laws to the EU laws at the CMU [2]. For Ukraine, the social development of EU law, based on the rule of law is of particular interest. Social sphere is a shared legal regulations of the European Union and member states. "General jurisdiction" means the preservation of the Member States of the right to receive social legislation, but so far, "in which the Union has not followed its competence."

Achievements of European labor law justify, in a market economy, the expansion of labor law on public relations which content the professional activity. This approach ensures the existence of well-developed social security system. In any case, EU membership or association with the EU a significant impact on the content of national legislation. Distinctive feature of the Association Agreement between Ukraine and the EU is that of the country required the implementation of internal reforms, legal, social and economic, that allow to fulfill contractual obligations. In our opinion, the reform of the national social legislation should begin with the reform of the labor legislation.

Adapting of labor laws Ukraine to the EU legislation should form: in a deep study of the EU regulatory framework in order to define the prerequisites of certain legal institutions and norms, as well as the tasks they are called to solve; comparative analysis of EU regulations and existing national standards, taking into account national and social background of EU standards; working out proposals on bringing national legislation into line with EU norms; directly lawmaking activities; forming law enforcement practices etc[3].

From the analysis of scientific researches and the legislative practice made a conclusion about absents in preset time real activity of adaptation the Ukrainian labor legislation to EU standards. Unfortunately, most labor standards which are in force in Ukraine, was launched in the last century, and the fact that some of them now meet European requirements, primarily the historical coincidence of circumstances, objective and subjective reasons. However, it is clear that a lot of work processing regulations of labor law and social security law starts now that the European prospects of Ukraine have acquired specific circuits. But, the direct transfer of the rules (especially in relating to social security), due to the lack economic basis, currently seen virtually impossible.

In this case seen the appropriate selective borrowing of some prospective elements of legal regulation of labor which are common in foremost European countries and can be easily implemented and act soon law system in Ukraine. These elements are: the use of obligatory written form of employment contract; refusal of work books and spreading the use of identification code in support of employment (professional) experience; recession from the concept of «dismissal under norm» towards the termination of the employment relationship solely, by the will of the parties; providing a larger range of social and economic guarantees in case of termination of the employment contract by the employer; support for strengthening collective bargaining in large economic entities; providing state economic incentives to employers in creating additional workplaces etc[4]. This will not only improve the implementation of labor relations in our country, but also will help to form the pro-European outlook in the society, and create a kind of foundation for the further implementation of the policy of Ukraine's integration into the EU.

The solution to the problem of preventing discrimination in the sphere of labor is complicated by the presence of elements of differential regulation of conditions of labor activity, which is a natural, acceptable and legitimate. Differential humiliating attitude is discriminatory when it is unjustified, than the criterion, the use of which is to carry out the legal differences between people is prohibited by law. Our country has chosen the path of comprehensive legislation aimed at preventing and combating discrimination in all spheres of life. Law of Ukraine "On Prevention and Combating Discrimination in Ukraine" defines the forms of discrimination, establish a mechanism to ensure the prevention and combating of discrimination and its scope that extends to the labor relations. For some time the provisions of the Act had a number of shortcomings: in the definition of terms; in the list of attributes, which prohibited discrimination; on the forms of discrimination and so on. However, the question of solving the problem of adjusting of labor legislation, banning discrimination, for European standards remains open.

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